

Division 3. Air Resources Board

Chapter 2. Enforcement of Vehicle Emission Standards and Surveillance Testing

Article 2.4. Procedures for Reporting Failures of Emission-Related Components

§ 2148. Evaluation of Need for Recall.

(a) Once the emission information report is filed, the Executive Officer shall evaluate the failure to determine whether a recall is necessary. Factors to be considered shall include but are not limited to the following:

- (1) the validity of the data;
- (2) the emission impact of the failure on individual vehicles or engines;
- (3) the possibility of induced tampering due to driveability problems resulting from the failure;
- (4) the effects of the failure on performance, fuel economy, and safety;
- (5) the failure rates and the timing and extent of a remedy if no recall is required; and
- (6) other factors specific to the failure.

(b) Notwithstanding subsection (a) above, a recall shall not be required if the manufacturer submits information with the emissions information report which demonstrates to the satisfaction of the Executive Officer that the failure:

(1) is limited to an emission-related component on a less-than-substantial percentage of vehicles and does not represent a pervasive defect in design, application, or execution which is likely to affect a substantial number of such emission-related components during the useful life of the vehicle or engines, and

(2) is likely to be corrected under the warranty program or other in-use maintenance procedure shortly after the inception of the problem.

(c) If a manufacturer can identify a subgroup of an engine family or test group which is subject to a failure, a recall may be limited to that subgroup with Executive Officer approval.

NOTE: Authority cited: Sections 39600, 39601 and 43105, Health and Safety Code. Reference: Sections 43000, 43009.5, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

REFERENCE